

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN THE MATTER OF THE COMPLAINTS OF )  
UPPER RIVER SERVICES, LLC, and )  
INGRAM BARGE COMPANY, ) Case No. 0:08-cv-05058  
FOR EXONERATION FROM, ) (JNE/AJB)  
OR LIMITATION OF, LIABILITY. )  
)

**ORDER APPROVING AD INTERIM STIPULATION,  
DIRECTING ISSUANCE OF NOTICE, AND RESTRAINING SUITS**

On Motion of Plaintiffs Upper River Services, LLC (on its own behalf and on behalf of an alleged entity designated as Upper River Services, Inc.) and Ingram Barge Company (on its own behalf and on behalf of Ingram Industries, Inc. and Ingram Marine Management Company), appearing through counsel, pursuant to the provisions of Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and, on reading the Ad Interim Stipulation for value duly executed and filed on September 2, 2008, by Plaintiffs and an approved surety, in the sum of seven hundred thirty-two thousand and one hundred forty-three dollars (\$732,143), with interest at a rate of six percent per year, undertaking to pay into Court, within ten days after the entry of an Order herein, the appraised value of Upper River Services, LLC's interest in the M/V J. L. FLEMING (\$450,000) and Ingram Barge Company's interest in Barge ING5831 (\$282,143), or within said time to file in this Court a stipulation for value in the usual form and with proper surety in said amount, and that, pending such payment or stipulation, said Ad Interim Stipulation shall stand as security in this proceeding,

**IT IS ORDERED** that said Ad Interim Stipulation be, and the same hereby is, APPROVED; and

**IT IS FURTHER ORDERED** that the execution and filing of said Ad Interim Stipulation shall be without prejudice to the due appraisal of Plaintiffs' said interest under Order of this Court, and that, on the filing of the verified appraisal of said interest, any party may have leave to apply to have the amount of said stipulation increased or decreased as the Court may direct; and

**IT IS FURTHER ORDERED** that notice be issued by the Clerk of the Court to all persons asserting any claims with respect to the maritime collision occurring on or about May 29, 2005, upon the Minnesota River near mile 12.5 thereof, in which Michael Rimnac, Melissa Rae Burns, and Thomas Schwake, allegedly died. The Court further admonishes all such parties to file their respective claims with the Clerk of this Court and to serve on the attorneys of the Plaintiffs a copy thereon on or before the 17th day of October, 2008; and

**IT IS FURTHER ORDERED** that the Plaintiffs shall cause such notice to be published in the Minneapolis Star Tribune once a week for four (4) consecutive weeks prior to the date fixed above for the filing of claims; and

**IT IS FURTHER ORDERED** that the Plaintiffs, not later than the day of the second publication, shall also mail a copy of said public notice to every person known to have made any claim against Plaintiffs or the M/V J. L. FLEMING or Barge ING5831 arising out of the aforesaid incident; and

**IT IS FURTHER ORDERED** that the Plaintiffs, not later than the day of the second publication, shall also mail a copy of said public notice to the decedents at the decedents' last known addresses, and also to any person known to have made any claim on account of such deaths; and

**IT IS FURTHER ORDERED**, since Plaintiffs have posted approved security for the value of their interest in said vessel and have given security for costs, that the institution or prosecution of any suits, actions or legal proceedings of any nature or description whatsoever in any court whatsoever, against Upper River Services, LLC, Upper River Services, Inc., Ingram Barge Company, Ingram Industries, Inc., Ingram Marine Management Company, Barge ING5831, or the M/V J. L. FLEMING in respect of any claim arising out of or connected with an incident that allegedly occurred on May 29, 2005, on the Minnesota River near mile 12.5 thereof, involving the deaths of Michael Rimnac, Melissa Rae Burns, and Thomas Schwake, except in this proceeding, are hereby stayed and restrained until the hearing and determination of this proceeding; and

**IT IS FURTHER ORDERED** that Plaintiffs serve a copy of this Order in the usual manner on the person or persons to be restrained, or their respective attorneys, or representatives.

Dated: September 4, 2008

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge